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BY FACSIMILE

March 5, 2008

Honorable P. Kevin Castel
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St., Room 2260
New York, NY 10007

USDS SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 3/5/08

Re: Electric Visual Evolution, LLC v. Electric Eel, Inc.
07 Civ. 9321 (PKC)
Our Ref. No. 112.201

Honorable Judge Castel:

We are counsel for Plaintiff Electric Visual Evolution, LLC ("Electric Visual") in the above-referenced action. Electric Visual submits this letter jointly with Defendant Electric Eel, Inc. ("Electric Eel") to update Your Honor with regard to settlement negotiations and to request an extension of the deadlines in the trial schedule in this action.

On January 28, 2008, the parties met and discussed several proposals relating to settlement. On February 28, 2008 the parties additionally participated in a settlement conference conducted before Magistrate Judge Ellis. The discussions during both conferences were productive and positive and, at the conclusion of the February 28, 2008 conference, Magistrate Judge Ellis instructed each party to submit *ex parte* a letter in support of the party's settlement position. We understand that Magistrate Judge Ellis plans to schedule a second settlement conference for the parties for late March or early April.

Several of the deadlines set forth in the December 7, 2007 Scheduling Order entered by Your Honor are imminent, including the March 6, 2008 deadline for the parties to meet and confer regarding expert discovery and to serve contention interrogatories and requests for admissions. In light of the parties' progress and continued desire to settle this matter, the parties jointly request that all pending deadlines in the current trial schedule be extended for a period of 60 days. Hopefully, the parties will be able to complete a settlement agreement during that time.

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If Your Honor requires any additional information or has any additional questions,
please contact the undersigned.

Respectfully submitted,



David J. Lorenz

cc: Hon. Ronald L. Ellis, U.S.M.J.
Charles P. LaPolla, Esq. (Via Facsimile)

The date in paragraph
5 of the Civil Case Management Plan
and Scheduling Order of December 7,
2007 is extended to June 6, 2008.
The April 18 conference is
adjourned to June 13, 2008
at 10:30 a.m. In all other respects
the Order of December 7 remains unchanged.
SO ORDERED
J. H. Smith, USPT
3-5-08